

No. 12-2171 PH

On December 11, 2012, Ms. Adams filed a complaint in this Commission, appealing the decision by the Missouri Board of Pharmacy to deny her application for registration as a pharmacy technician, and to place her name on the Board's EDL for five years. The Board answered on January 2, 2013.

We held a hearing on April 12, 2013. Ms. Adams represented herself, and Assistant Attorney General You-Jin Han represented the Board. The matter became ready for our decision on May 31, 2013 when the last written argument was filed.

### **Findings of Fact**

1. In October 2001, an undercover detective for the Kansas City Police Department purchased .35 grams of crack cocaine from a man who had been observed entering and exiting Alicia Adams' car during the sale.

2. After the cocaine purchase, detectives searched Ms. Adams' car and found 2.33 grams of crack cocaine, containing cocaine base – a controlled substance – on the floorboard.

3. Ms. Adams was arrested for possession of a controlled substance, a Class C felony. § 195.202, RSMo<sup>1</sup> (Supp. 2001).

4. Ms. Adams told a detective that she bought \$100 worth of crack cocaine from a man named “E” to “smoke primos” and that after she bought it, she put it under the armrest in the front seat of her car.

5. In June 2002, a grand jury indicted Ms. Adams on one count of Trafficking in Drugs in the Second Degree, a Class B felony. § 195.223.3, RSMo (Supp. 2001).

6. In August 2002, Ms. Adams, who was represented by counsel, pled guilty to Trafficking in Drugs in the Second Degree. She received a suspended imposition of sentence (SIS) and was placed on a three-year period of probation. She successfully completed her probation and was discharged from the jurisdiction of the court by order dated August 9, 2005.

7. In 2012, Ms. Adams was employed by Lincare, a respiratory care provider, in oxygen discharge services.

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<sup>1</sup> References to “RSMo” are to the Revised Statutes of Missouri, 2012 Supplement, unless otherwise noted.

8. On May 30, 2012, Ms. Adams submitted an application to the Board for registration as a pharmacy technician. She filled out the application at her place of employment during job orientation, where she did not have access to documents related to her crime. The pharmacist in charge told her the Board would contact her if it needed anything further and she could provide the documents at that time.

9. The application contained a section with a series of questions regarding “Charges, Convictions, Disciplinary Actions, and Status.” The Instructions at the beginning of the section stated:

Suspended Imposition of Sentence (SIS) Information: An attorney may advise you that you do not have to report SIS Information on any future application. However, the Board has authority under Section 338.185, RSMo to access these records via the use of fingerprints. This type of action **MUST BE REPORTED ON THIS APPLICATION.**

NOTE TO APPLICANT: The following questions must be answered truthfully and completely by you without any omissions. Your failure to answer truthfully may subject you to penalties under the law for providing a false affidavit, or to the denial of your pharmacy technician registration or the placing of your name on the employment disqualification list. If you are in doubt on a question, mark the answer “yes” and explain on a separate sheet or on page 2 of this form.

Resp. Ex. 1, Ex. A.

10. Question 1 in the section “Charges, Convictions, Disciplinary Actions, and Status” stated in relevant part:

Are you now charged in any criminal prosecution, (felony or misdemeanor) or have you ever been adjudicated guilty or entered a plea of guilty or nolo contendere (felony or misdemeanor), in any criminal prosecution in Missouri, in any other state, or in a United States court: (You must answer “yes” if you received a suspended imposition of sentence (SIS).) ... for any offense relating to drugs, narcotics, controlled substances or alcohol, whether or not sentence was imposed?

11. In response to Question 1, Ms. Adams marked the “yes” box.

12. Question 5 in the section “Charges, Convictions, Disciplinary Actions, and Status” instructed applicants who “answered ‘yes’ to any part of questions 1-4” to:

- “give all details,”
- “fully explain ‘yes’ answer on a separate sheet,” and
- “attach copies of all applicable court documents.”

13. In response to Question 5, Ms Adams wrote only:

2000 charged with pos[s]ession of controlled substance, sentenced  
3 yrs SIS probation and cleared in 2003. No longer on record.

14. Ms. Adams did not attach any court documents to her application.

15. Ms. Adams signed the “Affidavit of Applicant” on the application in the presence of a notary public. The affidavit stated in relevant part:

I have personally completed the foregoing application truthfully and completely, without omissions. All the information and answers contained in the foregoing application and any attachments thereto are true and correct to my best knowledge and belief; and I realize I made this affidavit knowingly, and that any false statement or material omission herein subjects me to criminal penalties for making a false affidavit under Section 575.050 RSMo. ... I hereby certify under the penalty of perjury that the above statements, as well as all information provided here, are true and correct. [Emphasis added.]

16. In November 2012, the Board sent Ms. Adams a “Notice of Intent to Disqualify.”

The Board informed her that her application for registration as a pharmacy technician had been denied and she was being placed on the Missouri Board of Pharmacy’s Employment Disqualification List (EDL) because of her August 2002 guilty plea to the charge of Trafficking in Drugs in the Second Degree, and her failure to disclose her criminal history.

17. In 2001, at the time she committed the crime, Ms. Adams was 18 years old. She has since earned certification as a nurse's assistant (in 2010) and a level-one medication aide (in 2011); received certificates of achievement three months in a row from her employer, Lincare (in 2012); and was accepted into the National American University Associate of Science in Nursing, Foundational Core program (in 2013).

### **Conclusions of Law**

We have jurisdiction of Ms. Adam's complaint. §§ 338.013.2 and 621.045.1.

A person who wishes to assist a pharmacist in the practice of pharmacy as described in Chapter 338 must apply to the Board of Pharmacy for registration as a pharmacy technician. § 338.013.1. The Board "may" deny registration, or issue the registration restricted by such terms and conditions as it decides to impose. § 338.013.2. When the Board denies a certificate of registration, the Board "shall" place the applicant's name on the EDL. *Id.*

When an applicant appeals denial of registration and placement on the EDL, we exercise the same authority as the Board and decide the application anew, without deference to the Board's decision. *See State Bd. of Regis. for the Healing Arts v. Trueblood*, 368 S.W.3d 259, 264 (Mo. App. W.D. 2012). The applicant has the burden to show she is entitled to registration, § 621.120, RSMo (2000), which she must do by a preponderance of the evidence, *State Bd. of Nursing v. Berry*, 32 S.W.3d 638, 642 (Mo. App. W.D. 2000). A "preponderance of the evidence" is that degree of evidence that "is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows the fact to be proved to be more probable than not." *Id.*

The answer the Board files in an appeal before this Commission provides notice of the grounds for denial of the application. *Ballew v. Ainsworth*, 670 S.W.2d 94, 103 (Mo. App. E.D.

1984). Here, the Board in its answer points to Ms. Adams' guilty plea, certain representations she made on her application, § 338.013.2, and § 338.055.1, .2(2), .2(3), and .2(15), forming six separate bases for denial of her application.

Section 338.013.2 provides in relevant part:

The board may refuse to issue a certificate of registration as a pharmacy technician to an applicant that has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, of a violation of any state, territory or federal drug law, or to any felony or has violated any provision of subsection 2 of section 338.055... The board shall place on the employment disqualification list the name of an applicant who the board has refused to issue a certificate of registration as a pharmacy technician.... [Emphasis added.]

And § 338.055 provides in relevant part:

1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section ...
2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

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(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or

license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

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(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government[. Emphasis added.]

Application for registration is denied

The evidence shows ample grounds for denial of Ms. Adams' application for registration under §§ 338.013.2 and 338.055.1, .2(2), .2(3), and .2(15), based on her guilty plea and certain representations on her application. Although the Board found six separate bases existed for denial of her application, we conclude five do.

*Plea of guilty to violation of a drug law—  
§§ 338.013.2 and 338.055.2(15)—denial proper*

Registration may be denied to an applicant who has pled guilty to a violation of the drug laws of this state. §§ 338.013.2 and 338.055.2(15). Ms. Adams pled guilty to the crime of Trafficking in Drugs in the Second Degree in violation of § 195.223.3, RSMo (Supp. 2001).<sup>2</sup> Grounds exist under §§ 338.013.2 and 338.055.2(15) for denial of her application.

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<sup>2</sup> At the time of Ms. Adams' offense, § 195.223.3 provided:

A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than two grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than two grams but less than six grams the person shall be guilty of a class B felony; (2) If the quantity involved is six grams or more the person shall be guilty of a class A felony.

*Plea of guilty to a felony—§ 338.013.2—denial proper*

Registration may be denied to an applicant who has entered a plea of guilty to any felony.

§ 338.013.2. Ms. Adams pled guilty to a Class B felony. Grounds for denial exist under § 338.013.2.

*Plea of guilty to an offense related to the duties  
of the profession—§ 338.055.2(2)—denial proper*

Registration may be denied to an applicant who entered a plea of guilty to an offense that is “reasonably related” to the qualifications, functions, or duties of the pharmacy profession. § 338.055.2(2).

A pharmacy technician “assumes a supportive role under the direct supervision and responsibility of a pharmacist” to perform functions “in connection with the receiving, preparing, compounding, distribution, or dispensing medications.” 20 CSR 2220-2.700(1).<sup>3</sup>

Missouri law closely regulates the possession, sale, prescription, and dispensing of controlled substances. *See* §§ 195.202.1, RSMo (“Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to possess or have under his control a controlled substance.”); 195.060, RSMo (registered manufacturer and wholesaler may sell controlled substances); 195.060, RSMo (pharmacist may dispense upon prescription of practitioner); and 195.180, RSMo (lawful possession generally requires person to have obtained controlled substance upon valid prescription or order of practitioner, and criminal defendant bears burden of proof of any exception). Cocaine is a controlled substance. § 195.017.4(1)(d), RSMo.

The criminal offense of Trafficking in Drugs in the Second Degree, § 195.223.3, generally involves the possession or control of, or purchase of or attempt to purchase, more than

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<sup>3</sup> All references to “CSR” are to the Missouri Code of State Regulations, as current with amendments included in the Missouri Register through the most recent update.



two grams of a controlled substance, without lawful reason therefor. The crime is reasonably related to the functions and duties of a pharmacy technician to properly receive, handle, and dispense pharmaceutical drugs, including controlled substances.

Grounds for denial exist under § 338.055.2(2).

*Plea of guilty to an offense, an essential element  
of which is dishonesty—§ 338.055.2(2)—no basis for denial*

Registration may be denied to an applicant who entered a plea of guilty to an offense an “essential element” of which is dishonesty. § 338.055.2(2). Dishonesty is not an essential element of the crime Ms. Adams committed.

Whether Ms. Adams’ commission of the crime was dishonest or demonstrated dishonest intent is irrelevant for purposes of § 338.055.2(2), because the essential elements of a crime are the ones required by statute. *See State ex rel. Atkins v. Mo. Bd. of Accountancy*, 351 S.W.2d 483, 485 (Mo. App. K.C. 1961). In *Atkins*, an accounting license discipline case, the appellate court examined whether the federal misdemeanor of failure to file an income tax return constituted a crime with an essential element of dishonesty. *Id.* at 484. The court concluded that the federal misdemeanor, although it did have the essential element of willfulness, did not have the essential element of dishonesty; the only proof necessary for conviction was the requirement to make a return before a certain time, and willful failure to do so. *Id.*

In this case, drug trafficking in the second degree, as defined by § 195.223.3, involves demonstration that the defendant “possesses or has under his [or her] control... more than two grams of a mixture or substance [containing] cocaine base,” “except as authorized by sections 195.005 to 195.425[.]” The essential elements of this crime therefore are: (1) possession of (2) more than two grams of cocaine base. Dishonesty is not one.

Grounds for denial do not exist under the “essential element” of dishonesty component of § 338.055.2(2).

*Plea of guilty to an offense involving  
moral turpitude—§ 338.055.2(2)—denial proper*

Registration may be denied to an applicant who entered a plea of guilty to an offense involving moral turpitude. § 338.055.2(2). The drug trafficking offense to which Ms. Adams pled guilty involves moral turpitude.

Section 338.055 does not define “moral turpitude,” but the concept exists in professional disciplinary contexts and has been examined by Missouri courts. For example, in attorney disciplinary cases, the Supreme Court has “long defined moral turpitude as ‘baseness, vileness, or depravity’ or acts ‘contrary to justice, honesty, modesty or good morals.’” *In re Duncan*, 844 S.W.2d 443, 444 (Mo. banc 1993)(and cases cited therein). *See also Brehe v. Mo. Dep’t of Elem. and Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007) (same definition used in discipline of teaching certificate).

Missouri courts have examined several types of criminal offenses in license discipline cases and held that certain ones always constitute acts of moral turpitude, others may, and some never do. In *Brehe*, the court explained there are three classifications of crimes:

1. crimes that necessarily involve moral turpitude, such as fraud (Category 1 crimes);
2. crimes “so obviously petty that conviction carries no suggestion of moral turpitude,” such as illegal parking (Category 2 crimes); and
3. crimes that “may be saturated with moral turpitude,” yet do not necessarily involve it, such as willful failure to pay income tax or refusal to answer questions before a congressional committee (Category 3 crimes).

213 S.W.3d at 725, *quoting Twentieth Century Fox Film Corp. v. Lardner*, 216 F.2d 844, 852 (9<sup>th</sup> Cir. 1954)).

Category 1 crimes, such as murder, rape, and fraud, are invariably crimes of moral turpitude. *Id.* Further, “[c]ourts invariably find moral turpitude in the violation of narcotic laws.” *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985) (and citations therein). *Compare In re Shunk*, 847 S.W.2d 789, 791-792 (Mo. banc 1993) (possession of narcotics is crime of moral turpitude justifying attorney disbarment or other discipline).

Here, Ms. Adams’ offense—trafficking in drugs, specifically crack cocaine—involved narcotics. It is an offense of moral turpitude.

Grounds for denial exist under § 338.055.2(2).

*Use of fraud, deception or misrepresentation  
to obtain a certificate of registration—§ 338.055.2(3)—denial proper*

Registration may be denied to an applicant who uses fraud, deception, or misrepresentation to obtain a certificate of registration. § 338.055.2(3).

The terms are not statutorily defined for purposes of § 338.055.2(3). But § 334.100, RSMo, relating to physician license discipline, is analogous here and uses the terms fraud and misrepresentation. In a proceeding under § 334.100, the Court of Appeals defined fraud as “an intentional perversion of truth to induce another ... to act in reliance upon it,” and misrepresentation as “a falsehood or untruth made with the intent of deceit rather than inadvertent mistake.” *Hernandez v. State Bd. of Regis’n for the Healing Arts*, 936 S.W.2d 894, 899 n.2 and n.3 (Mo. App. W.D. 1997). Deception is a term of art, which the Supreme Court has defined as a “species of common law fraud,” an act “designed to deceive, to cheat someone by inducing their reliance on clever contrivance or misrepresentation.” *State ex rel. Nixon v. Telco Directory Publishing*, 863 S.W.2d 596, 600 (Mo. banc 1993).

We conclude that Ms. Adams used misrepresentation in preparing her application. She downplayed the severity of her criminal conduct by listing the crime for which she was arrested,

the Class C felony of drug possession, rather than the more serious one for which she was indicted and to which she pled guilty, the Class B felony of second-degree drug trafficking. She downplayed it by describing the events as having occurred more remotely in time than they did—she stated the crime occurred in 2000, instead of 2001, and stated she was “cleared in 2003,” when in fact, she was on probation until 2005. She also downplayed it by failing to “give all details” or to “fully explain...on a separate sheet,” as instructed on the form, instead providing two brief sentences of 20 words in total in the box on the application. For example, while she disclosed that she was “charged,” she did not disclose that she in fact pled guilty, or that the “controlled substance” she admitted possessing was crack cocaine, two basic details that are unlikely to have escaped recollection despite the passage of time. The preprinted information in the affidavit portion she signed at the end of the application explicitly acknowledged she was signing “truthfully and completely, without omissions,” which she did not.

Ms. Adams appeared at the hearing in this case in her own behalf, testified articulately, and represented herself capably. The evidence of the relatively recent educational accomplishments she offered—her nurse’s aide certification, level-one medication aide certification, receipt of certificates of achievement from her employer three months in a row, and acceptance into a preparatory nursing program—also demonstrate her intelligence. She explained at the hearing that she did not attach court documents to her application because she filled out the application at her place of employment during job orientation, did not have the documents with her, and the supervising pharmacist said she could provide that information later if the Board requested it. A new employee with the goal of becoming a pharmacy technician might understandably rely on the advice of her supervising pharmacist in filling out an official form for the Board. But Ms. Adams did not suggest her supervisor told her to downplay any

negative history she might have and to ignore the form's plain instructions to give full details, or the language of the affidavit contained in the form. Even if the crime occurred a long time ago, as she argued, she was capable of providing a full and accurate description of it, and was on notice that she should do so. But she did not.

As noted above, misrepresentation is a falsehood or untruth made with the intent of deceit rather than inadvertent mistake. Some of the information Ms. Adams provided on her application was false, and what information she did provide was not complete, although by signing the affidavit she had sworn it was – another falsehood. In view of the foregoing, and given the application's importance to her employment and career goals, and the very explicit instructions it contained, her preparation of it cannot have involved inadvertent mistake. She had the intent of deceit. Therefore, for purposes of § 338.055.2(3), she used misrepresentation to obtain a certificate of registration.

But a preponderance of the evidence does not demonstrate that she used fraud, or the species of common law fraud that is deception, in her application. We assume fraud and deception mean something different than misrepresentation, because we ascribe meaning to every word in a statute and do not treat any words as surplusage. *Brandsville Fire Prot. Dist. v. Phillips*, 374 S.W.3d 373, 381 (Mo. App. S.D. 2013). The type of intent reflected in the above-recited definitions of fraud and deception involves more than intent of deceit, they involve intentional perversion of the truth, and intent to cheat through clever contrivance or misrepresentation. Although a very close call, we cannot conclude on the record before us that Ms. Adams' intent rose to such level.

Grounds for denial exist under § 338.055.2(3), insofar as Ms. Adams used misrepresentation.

Denial of application is appropriate

As previously noted, in the instant appeal we exercise the same power as the Board and decide the application anew, exercising such discretion as the Board has. Section 338.013.1 explicitly provides the Board with discretion, in that the Board “may” deny an applicant a certificate of registration under the circumstances described therein. As the applicant, Ms. Adams has the burden to show here, by a preponderance of the evidence, that she is entitled to registration. She did not meet that burden.

Factors relevant to the decision whether to approve or deny an application include the time elapsed since the offense, the conduct of the applicant since the offense, and evidence of true rehabilitation. *See Trueblood*, 368 S.W.3d at 268-269 (examining evidence before the AHC regarding rehabilitation, including applicant’s acceptance of responsibility, and mechanisms in place to protect the public and avoid relapse); *Francois v. State Bd. of Regis. for the Healing Arts*, 880 S.W.2d 601, 603 (Mo. App. E.D. 1994) (applicant who claims rehabilitation must acknowledge guilt and embrace new moral code); and *State Bd. of Regis. for the Healing Arts v. Finch*, 514 S.W.2d 608, 616 (Mo. App. K.C.D. 1974) (length of time since criminal conduct and conviction, and evidence of “sincere rehabilitation”).

Twelve years have elapsed since Ms. Adams’ criminal conduct and 11 years since her plea of guilty to the Class B felony of second-degree drug trafficking. In other words, many years have passed since her offense, and we find the amount of time especially significant because Ms. Adams was relatively young, 18 years old, when she committed it. The passage of time therefore weighs in her favor.

Her conduct since the offense also weighs in her favor, with the exception of her application for registration (discussed in more detail below in regard to rehabilitation). After she

pled guilty, she received an SIS and successfully completed her three-year probation, eight years ago. She has committed no other criminal offenses. More recently, in the last three years, she has achieved in her education and employment, gaining nurse's aide certification and level-one medication aide certification, receiving certificates of achievement from her employer three months in a row, and gaining acceptance into a preparatory nursing program.

In regard to rehabilitation, we again acknowledge her successful completion of a three-year probation in 2005, and her educational and employment achievements since 2010. But a preponderance of evidence does not establish sincere rehabilitation. She minimized or deflected her responsibility for and the severity of her criminal offense, and did not accept responsibility for it. First, in her testimony herein, she described the offense as a mistake, committed when she was young, and argued that she had "paid [her] dues."<sup>4</sup> But she also testified that she did not buy the cocaine and that it was not hers.<sup>5</sup> That testimony conflicts with her statement to the police in the criminal proceeding and is inconsistent with her guilty plea, which, like all guilty pleas, was taken under oath. Because she received the SIS, her guilty plea does not preclude her from attempting to explain away the offense. *Nichols v. Blake*, 418 S.W.2d 188, 190 (Mo. 1967); *Dir. of Dep't of Public Safety v. Bishop*, 297 S.W.3d 96, 99-100 (Mo. App. W.D. 2009). But we conclude that the guilty plea, taken together with Ms. Adams' statements to the police, is competent evidence and more convincing than her current testimony about whether she committed the offense.

Additionally, and as discussed above, she downplayed the offense on her application. She listed incorrect dates. She listed the crime with which she was charged and not the more severe one to which she pled guilty. And she otherwise failed to provide full details as instructed

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<sup>4</sup> Tr. 34.

<sup>5</sup> Tr. 21.

on the application, although she signed an affidavit stating she had prepared the application completely, without omissions. Finally, at the hearing herein, she argued that disclosing the SIS on the application should have been sufficient, because the SIS should no longer have been on her record anyway.<sup>6</sup> The foregoing falls short of demonstrating sincere rehabilitation by a preponderance of the evidence.

Accordingly, under §§ 338.013.2 and 338.055.1, .2(2), .2(3), and .2(15), we deny Ms. Adams' application for registration as a pharmacy technician because (1) she pled guilty to an offense that was a felony, a violation of the state's drug laws, and related to the duties of a pharmacy technician, and that involved moral turpitude; and (2) she used misrepresentation on her application.

#### Placement on the EDL follows

Section 338.013.2 requires that any person denied a certificate of registration as a pharmacy technician be placed on the EDL. Because we have concluded denial is appropriate here, the only question in regard to Ms. Adams' placement on the EDL is how long she should be on it.

The primary goal promoted by Chapter 338 is oversight of pharmacists and pharmacies through licensing, regulation, and discipline, in order to protect the public. *See Garozzo v. Mo. Dep't of Ins., Fin. Inst. & Prof. Regis.*, 389 S.W.3d 660, 664-665 (Mo. banc 2013) (holding, in case concerning denial of mortgage loan originator license, that "the purpose behind licensing statutes is protect the public rather than to punish the licensed professional"); *Newman v. Melahn*, 817 S.W.2d 588, 590 (Mo. App. E.D. 1991) (principal purpose of statute providing for

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<sup>6</sup> Tr. 25.



refusal, suspension, discipline or revocation of insurance producer license is to protect the public).

The offense to which Ms. Adams pled guilty was a serious one, and is closely related to the duties of the profession for which she seeks registration. Ms. Adams has not acknowledged the severity of the offense, and has not fully accepted her responsibility for it, or otherwise demonstrated sincere, or true, rehabilitation.

She also used misrepresentation in her application. Pharmacy technicians must properly receive, handle, and dispense pharmaceuticals, including controlled substances. Ms. Adams' application, including her explanation about it, is inconsistent with the need for a pharmacy technician to accurately and truthfully report and document the performance of those duties.

In view of the foregoing discussion, we see no reason to impose a period of disqualification any different from that imposed by the Board, concluding five years is appropriate under the circumstances and suitably protects the public.

Accordingly, we order Ms. Adams' name placed on the Board's EDL for a period of five years, beginning November 2012.

### **Summary**

In accordance with the foregoing, we deny Alicia Adams' application for registration as a pharmacy technician under §§ 338.013.2 and 338.055.1, .2(2), .2(3), and .2(15), and order her name placed on the EDL for a period of five years, beginning November 2012.

SO ORDERED on July 10, 2013.

\s\ Alana M. Barragán-Scott  
ALANA M. BARRAGÁN-SCOTT  
Commissioner